

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HOBART CORPORATION, <i>et al.</i> ,	:	
Plaintiffs,	:	
v.	:	Case No. 3:13-cv-115
THE DAYTON POWER & LIGHT	:	JUDGE WALTER H. RICE
CO., <i>et al.</i> ,	:	
Defendants.	:	

ORDER OVERRULING THE FOLLOWING MOTIONS WITHOUT PREJUDICE TO REILING WITHIN 30 DAYS: PLAINTIFFS' MOTION IN LIMINE TO EXCLUDE INTERVIEW OF CLAY LOWE, A/K/A MR. C (DOC. #985); WASTE MANAGEMENT OF OHIO, INC.'S MOTION IN LIMINE TO EXCLUDE 2012 DEPOSITION TESTIMONY OF JAMES SOUTH (DOC. #988); DEFENDANT THE SHERWIN-WILLIAMS COMPANY'S MOTION IN LIMINE TO EXCLUDE CERTAIN EXPERT OPINIONS OF DR. JURGEN EXNER AND MR. RICHARD WHITE (DOC. #989); WASTE MANAGEMENT OF OHIO, INC.'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF EDWARD GALLAGHER FOR NCR CORPORATION (DOC. #992); WASTE MANAGEMENT OF OHIO, INC.'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF "UNKNOWN" FACT WITNESS FOR KELSEY-HAYES COMPANY (DOC. #993); DEFENDANT VALLEY ASPHALT CORPORATION'S MOTION IN LIMINE TO EXCLUDE TESTIMONY FROM RICHARD L. WHITE AND CHRISTOPHER M. WITTENBRINK (DOC. #996); AND DEFENDANT PHARMACIA LLC'S MOTION IN LIMINE (DOC. #997)

During the conference call held on May 22, 2019, the Court instructed the parties to finish briefing any pending motions in limine that they believed should be resolved before the Court ruled on the pending motions for summary judgment. Thereafter, the parties also identified the following motions that need not be fully

briefed or resolved before the Court ruled on the pending motions for summary judgment:

- Plaintiffs' Motion in Limine to Exclude Interview of Clay Lowe, A/K/A Mr. C (Doc. #985);
- Waste Management of Ohio, Inc.'s Motion in Limine to Exclude 2012 Deposition Testimony of James South (Doc. #988);
- Defendant The Sherwin-Williams Company's Motion in Limine to Exclude Certain Expert Opinions of Dr. Jurgen Exner and Mr. Richard White (Doc. #989);
- Waste Management of Ohio, Inc.'s Motion in Limine to Exclude Testimony of Edward Gallagher for NCR Corporation (Doc. #992);
- Waste Management of Ohio, Inc.'s Motion in Limine to Exclude Testimony of "Unknown" Fact Witness for Kelsey-Hayes Company (Doc. #993);
- Defendant Valley Asphalt Corporation's Motion in Limine to Exclude Testimony from Richard L. White and Christopher M. Wittenbrink (Doc. #996);
- Defendant Pharmacia LLC's Motion in Limine (Doc. #997)

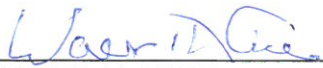
See Docs. ##1021-26.¹

Given the length of time that these motions in limine have been pending without being fully briefed, and the fact that the Court's rulings on the motions for summary judgment may moot some of these motions in limine or necessitate some modification, the Court **OVERRULES** each of these motions in limine (Docs. ##985,

¹ Plaintiffs' Motion in Limine to Exclude Testimony of Dr. Swiatoslav Kaczmar (Doc. #987), and Defendant Franklin, Iron & Metal Corporation's Motion in Limine to Exclude Expert Testimony of Exner [And] White (Doc. #1001), also included on this list, *see* Doc. #1025, are the subject of a separate Order.

988, 989, 992, 993, 996, 997) WITHOUT PREJUDICE to refiling within 30 days of the date of this Order.

Date: September 23, 2019



WALTER H. RICE
UNITED STATES DISTRICT JUDGE